



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, १९ अक्टूबर, १९७३/२७ आश्विन, १८९५

GOVERNMENT OF HIMACHAL PRADESH

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Simla-2, the 8th October, 1973

No. 19-8/72-E&T(Sectt.).—In exercise of the powers conferred by the proviso to Article 309 of the Constitution and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to make the following rules in regard to the following matter, namely:—

- (i) the method of recruitment to the Himachal Pradesh Excise and Taxation Department (Driver Class-III) Service;
- (ii) the qualifications necessary for appointment to such service and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotions.

RECRUITMENT RULES

PART I—GENERAL

Short title and commencement.

1. (a) These rules may be called the Himachal Pradesh Excise and Taxation Department (Driver Class-III Service) Recruitment and certain Conditions of Service Rules, 1973.

(b) These rules shall come into force from the date of notification in the official Gazette.

Definition

2. In these rules, unless there is anything repugnant in the subject or context:—

- (a) “recognised Board of School Education” means any Board incorporated by law in India;
- (b) “the Government” means the Himachal Pradesh Government;
- (c) “the service” means the Himachal Pradesh Excise & Taxation Department (Driver Class-III Service);
- (d) “Direct appointment” means an appointment made otherwise than by promotion from amongst the members of the Class-IV Service or by transfer of an official already in the service of the Government of India or of a State Government or of Union territory;
- (e) “Scheduled castes” means the castes, races or tribes or parts of groups within castes, races or tribes specified in the Schedule to the Constitution (Scheduled Castes) Order, 1950 as amended by section 19(1) read with First Schedule of the State of Himachal Pradesh Act, 1970 and as it may further be amended from time to time.
- (f) “Scheduled tribes” means the tribes or tribal communities or parts of groups within tribes or tribal communities specified in Schedule to the Constitution (Scheduled Tribes) Order, 1950, as amended by section 20 (1) read with Third Schedule of the State of Himachal Pradesh Act, 1970 and as it may be amended from time to time.
- (g) “member” means a member of the Service.

PART II—RECRUITMENT TO SERVICE

Character of post.

3. The character (*i.e.* designation, grade etc), of the posts included in the Service and rates of pay shall be as indicated in the Appendix ‘A’ to these rules. Nothing in these rules shall, however, affect the inherent rights of the Government to increase or reduce the scale of pay and the number of posts.

Authority empowered to make appointments.

4. The appointments to posts in the Service shall be made by the Excise and Taxation Commissioner or by any other authority, declared as Appointing Authority, by Governor, Himachal Pradesh.

Nationality, domicile and age of candidates.

5. No person shall be appointed to the Service unless—

(a) he is a citizen of India, and

(i) who or whose father has been continuously residing in Himachal Pradesh for a period of not less than 3 years immediately preceding the last date fixed for making applications to a post, or

- (ii) whose father, if dead, continuously resided in Himachal Pradesh for a period of not less than 3 years immediately preceding his death and who has, after the death of his father, continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to a post:

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undergoing medical treatment or any period of such temporary absence not exceeding three months for any other reasons, shall not be deemed to constitute a break in the continuity of such residence, but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

- (iii) who produces before the appointing authority concerned, if so required by it, a certificate of eligibility granted under Rule IV of the Himachal Pradesh Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959, and in case the Governor in any exceptional case and for reasons to be recorded in writing, relaxes the provisions of sub-rule (a) of this rule, in exercise of his discretion under Rule 5 of the Himachal Pradesh Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959, a candidate for appointment to any post in the service must be—

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of Nepal, or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being eventually given to him by the Government and unless he is already in Government service, must produce—

- (i) a certificate of good moral character from the Principal/Academic Officer of the Board, School or the head of his education or technical institution, last attended;
- (ii) certificates of good moral character from two responsible persons, not being his relatives, who are well acquainted with him in private life and unconnected with his school or institution;
- (iii) a medical certificate, as required by Rule 3.1 of the Himachal Pradesh Civil Services, Rules, Vol. I;
- (iv) a declaration to the effect that he has not more than one living wife; and

Note:—No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the Service: Provided that the Himachal Pradesh Government may, if satisfied, that there are special grounds for doing so, exempt any person from the operation of rules in clause (iv) if such exemption is valid in law; and

(v) must not be less than 18 years and not more than 27 years of age on the date of his appointment:

Provided that the maximum age limits, as prescribed may be relaxed in accordance with the instructions issued by the Himachal Pradesh Government from time to time in this regard:

Provided further that the maximum age limit may be relaxed in the case of scheduled casts/tribes candidates, displaced persons and other special categories in accordance with the orders issued by the Government of Himachal Pradesh from time to time.

Educational and technical qualifications of candidates.

6. Educational and Technical qualifications of candidates.

No person shall be appointed to the Service unless—

- (i) He has passed the Middle standard or equivalent examination of a recognised Board of School Education or above.
- (ii) He possesses a driving licence for light and heavy vehicles.

Provided that the qualifications prescribed above may be relaxed in special circumstances by order of the Governor, but possession of a driving licence for light and heavy vehicles, is essential.

Method of recruitment.

7. Posts in the service shall be filled either by promotion or by direct appointment in the following manner:—

By promotion.—From amongst Class IV employees of the Service, who has passed Middle standard examination and possesses driving Licence for light and heavy vehicles or by transfer of a person already in the Service of the Central Government/other department of State Governments or of Union territories or by direct recruitment.

Nothing in these rules shall effect reservation and other concessions required to be provided for scheduled castes and scheduled tribes and other special categories of persons in accordance with the instructions issued by the State Government from time to time in this regard.

A Selection by Departmental Promotion.
m
N
dc

8. The selection of candidates for the posts will be made by the Departmental Promotion Committee constituted by the Government.

Offers of appointment shall be made strictly in accordance with the order in which the candidates are placed at the time of selection or recruitment by the D.P.C.

PART III—CONDITIONS OF SERVICE

Probation of members of Service.

9. (1) Members of the Service who are appointed against permanent vacancies shall on appointment to the post remain on probation for a period of two years.

Explanation.—Approved officiating service shall be taken as a period spent on probation, but no member, who is officiating in the appointment, shall on the completion of the probationary period prescribed, be confirmed until he appointed against a permanent vacancy.

(i) If the work and conduct of any member during his period of probation is, in the opinion of the appointing authority, not satisfactory, the appointing authority, may extend this period by double of the probation period. If the work and/or conduct still remains unsatisfactory the appointing authority may dispense with his services or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(ii) On the completion of the period of probation of any member, the appointing authority prescribed in Rule 4, may confirm such member in his appointment subject to availability of a permanent post and suitability.

10. In respect of discipline, punishment and appeals, the the members of the Service shall be governed by the provisions of the Himachal Pradesh Civil Services (Punishment and Appeal) Rules, or by such other rulers as are enforced by Himachal Pradesh Government for such employees from time to time.

Scale of pay
etc.

11. (1) Subject to the provisions of sub-rule (2) below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them under the existing orders applicable to their cases and shall *en bloc* be senior to all others in that grade.

Seniority of
member of
Service.

Explanation.—For the purpose of these rules persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules, and

(2) subject to the provisions of sub-rule (3) below, permanent official in the grade shall be ranked senior to persons who are officiating in that grade:

(3) **Direct Recruits.**—Notwithstanding the provisions of sub-rule (2) above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are recruited for the appointment, on the recommendation of the D.P.C. persons appointed as a result of an earlier recruitment being senior to those appointed as a result of a subsequent recruitment:

(i) Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit:

(ii) Provided further that a person who does not join within the specified period shall lose his seniority according to the selection and shall rank in the seniority list next to the person who joined earlier:

(iii) Provided further that he shall not lose seniority, if the fact of his joining later was caused by circumstances beyond his

control and for the reasons recorded in writing, the appointing authority is satisfied that this was so:

- (iv) the seniority of the Drivers working in the Excise and Taxation Department, Himachal Pradesh will be common and these posts will be inter-transferable.

S
a
c

Leave and
Pension etc.

12. In respect of leave, pension and other cognate matters not specifically mentioned in these rules, members of the service shall be governed by H. P. Civil Services Rules or by such other rules as enforced from time to time, unless one has already exercised option otherwise.

I

Liability to
transfer.

13. The member of the Service shall be liable to transfer anywhere within Himachal Pradesh.

Publication
for grounds
of dismissal.

14. If a member of the Service is dismissed by Government for misconduct, in respect of which there has been a departmental inquiry or an inquiry under the Public Servants Inquiry Act, 1850, or a conviction in a criminal court, Government may publish in the Government Gazette the reasons for such dismissal, if it is of the opinion that such publication is required in the public interest.

Other con-
ditions of
service.

15. In respect of conditions of Service other than those covered by these rules and regulations as may have been or may hereafter be framed by the competent authority under Article 309 of the Constitution of India or any law or rules made thereunder.

P. K. MATTOO,
Secretary.

APPENDIX 'A'

Sr. No. 1	Designation of post 2	No. of posts 3	Scale of posts 4
1.	Driver (Motor)	3	Rs. 100-4- 140/5-160.

C
o

A
e
t
a
r
n
d

C